

Remarks

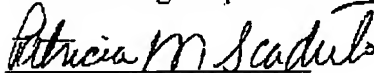
Claims 1-8, 10-17 are pending in this case, Claims 9 and 18 are cancelled and claims 1, 8, and 10-17 were amended. The Examiner rejected claims 1-8 and 10-17 under 35 U.S.C. §103(a), as being unpatentable over Young et al (US4212897). Applicants have amended claims 1, 8, 10-13 and 16-17 to recite the preamble "consisting essentially of" which limits the claims to the ingredients specified and other elements "of no essential significance". Since the pesticide is "of significance" and an integral requirement of Young, it would not be covered under Applicants claims. There is no teaching in Young or elsewhere that the composition described in the present application would be useful for fire and stain resistance. Further, a person skilled in the art would not consider Young which deals with the problem of controlled release of pesticides when trying to develop a composition having fire and stain resistance. Therefore, Applicants believe claims 1, 8, 10-13 and 16-17 as amended are novel and non-obvious over Young and respectfully request the Examiner to allow these claims.

Further, Applicants have amended claims 14 and 15 to specify certain substrates that the composition can treat. These claims are also not obvious over Young which requires a pesticide because a person skilled in the art would not look to a patent specifying a pesticide for a composition to treat substrates such as leather or textile fabrics. Therefore, the Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn and claims 14 and 15 be allowed.

Although the Applicants believe in good faith that only a one month extension of time is needed, the Applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,

Dow Corning Corporation



Patricia M. Scaduto

Reg. No. 39,827

Tel: 989-496-6925